

FCC MAIL SECTION

Before the
Federal Communications Commission
Washington, D.C. 20554

Dec 2 3 00 PM '93

DISPATCHED BY

PR Docket No. 92-289

In the Matter of

Amendment of the Amateur Service	RM-7868
Rules Concerning the 222-225 MHz and	RM-7869
1240-1300 MHz Frequency Bands.	RM-7888

REPORT AND ORDER

Adopted: November 19, 1993; Released: December 2, 1993

By the Commission:

I. INTRODUCTION

1. On November 30, 1992, we adopted a *Notice of Proposed Rule Making (Notice)*,¹ in the above-captioned proceeding. In response to three petitions requesting changes to the Rules for the amateur service, we proposed (1) to create a subband in the 222-225 MHz (1.25 m)² band where repeaters would be prohibited, (2) to authorize frequency privileges for Novice Class operators in the entire 1.25 m band, and (3) to allow Novice Class operators to be licensees and control operators of repeaters in the 1.25 m band as well as in the 1270-1295 MHz segment of the 1240-1300 MHz (23 cm) band. We are adopting the proposed rules with respect to the establishment of a subband and authorization of privileges for Novices in the entire 1.25 m band. We decline, however, to adopt the proposal relating to Novices as control operators and licensees of repeaters in the 1.25 m and 23 cm bands.

II. DISCUSSION

Establishing a protected subband in the 1.25 m band

2. We received many comments in this proceeding both favoring and opposing the creation of a small frequency subband for experimentation at 222.00-222.15 MHz where repeater operation would not be allowed. Proponents of such a subband believe that it is essential to their operations

to be protected from repeater transmissions which are primarily for operational purposes, rather than experimental. It is undisputed that experimental communications and repeater transmissions are incompatible because of the lengthy periods of channel occupancy by a repeater. Commenters favoring the proposal contend that the technical challenges of experimentation best serve the basic purposes of the amateur service to advance the art of radio and to provide opportunities for improving communication and technical skills.³ The American Radio Relay League, Inc. (ARRL) strongly supports a subband and argues that it is necessary to create it by rule, rather than to rely on voluntary repeater coordination, because of the need for uniformity of the subband nationwide and because there is no enforcement authority for the band-planning decisions of a volunteer coordinating body.⁴

3. Some opponents of the subband proposal reject a mandatory segment where repeaters would be disallowed. They believe that each local area should be allowed to provide its own band plan specifying different modes of operation to accommodate local needs.⁵ Several commenters located in California oppose a subband for experimentation at 222.00-222.15 MHz arguing that they would lose their ability to communicate with users in Nevada. They request that the proposed subband be established at 222.00-222.13 MHz rather than as proposed in order to permit their auxiliary operations to continue on a channel at 222.14 MHz.⁶

4. We have considered carefully the comments for and against establishing a protected subband. In our view, the public interest requires that there be sufficient opportunities available for experimental activities. Further, it is not feasible to rely on local frequency coordinating bodies to assure that all types of amateur service operations will be accommodated. In this instance, we agree with the ARRL that it is desirable that there be a uniform, nationwide subband where experimental operations can take place unaffected by repeater use. We regret that there may be some disruption to the activities of some repeater and auxiliary stations. We would be remiss, however, if we failed to provide the protection requested for experimental activities. We conclude, therefore, that the public interest would be served by establishing a protected subband at 222.00-222.15 MHz.

Novice Class operator privileges

5. The proposal to expand the privileges of Novice Class operators by authorizing them the entire 1.25 m band⁷ met with a very favorable response from the commenters.⁸ There is general agreement that authorizing Novice Class operators additional frequency privileges will provide an opportunity for them to become proficient in a wider variety of amateur service operations. In addition, Novice

¹ 7 FCC Rcd 8000 (1992).

² Because the amateur service frequency bands are not identical in all three international Telecommunication Union (ITU) regions, the amateur community worldwide refers to radio spectrum in terms of approximate wavelength expressed in meters (m). Part 97 of the Commission's Rules, 47 C.F.R. §§ 97.1-97.527, also uses this terminology to designate frequency bands. The frequency band 222-225 MHz, therefore, is designated as the 1.25 m band, and the 1240-1300 MHz band is designated as the 23 centimeter (cm) band.

³ Comments of Steve Noll at 1, Frank Carroll, Jr. at 1, and Western States VHF-Microwave Society at 9.

⁴ Comments of ARRL at 4 and 5.

⁵ Comments of John K. Wilson at 1 and David Stephens at 1.

⁶ Comments of Donald McDougall at 1, Gregory Engle at 1, Ghery S. Pettit at 1, and Stephen F. Merchant at 1.

⁷ Section 97.301(f) of the Commission's Rules, 47 C.F.R. § 97.301(f), currently authorizes to Novice Class operators the segment 222.10-223.91 MHz in International Telecommunications Union (I.T.U.) Region 2. The 1.25 m band is not authorized to the amateur service in I.T.U. Regions 1 and 3.

⁸ Comments of David E. Stephens at 1, Robert J. Carpenter at 2, and ARRL at 10.

Class operators will have more flexibility in selecting the mode of transmission that they want to use. For these reasons, we are amending the rules to allow Novice Class operators privileges in the entire 1.25 m band.

Novice Class operators as licensees of repeaters.

6. There is significant opposition to our proposal to permit Novice Class operators to serve as licensees and control operators of repeaters in the 1.25 m and 23 cm bands. Several commenters are concerned because the Novice Class operator license examination has not required the specific knowledge about repeaters needed to insure a high standard of operation.⁹ The ARRL also argues that because the codeless Technician Class operator license permits repeater operation and is more popular as an entry-level license than the Novice Class operator license, there is no need now to expand Novice Class operator privileges to include repeater operation.¹⁰

7. In view of the lack of substantial support by the amateur community for granting Novice Class operators the additional privileges of being repeater licensees and control operators in these two bands, we are persuaded that the rules in this respect should not be amended. The arguments in opposition have merit insofar as they concern the lack of knowledge that current Novice Class operators¹¹ possess about repeater operation, and note that an alternate entry-level license, the codeless Technician Class operator license, permits a holder of such license to be a repeater licensee and control operator. In addition, if Novice Class operators were authorized the proposed repeater privileges, the written examination for the Novice license would need to be revised to include questions on the proper operation of repeaters. In the amateur service, each license class has specific privileges. The distinction between the Novice and Technician Classes would be diminished by granting Novices the proposed repeater privileges. We will not, therefore, adopt the proposed rule changes in this respect.

Procedural Matter

8. Mr. Kenneth A. Piletic filed late comments to RM-7888, the petition filed by Dr. Michael C. Trahos in this proceeding. Dr. Trahos then filed a Motion to Dismiss those late comments. In a reply filing, Mr. Piletic requested that the comments be considered as a response to the *Notice*.¹² Even though the comments to the petition were late, they were filed before the comment period closed on the *Notice*. Considering them will make for a more complete record. We will, therefore, deny the Motion to Dismiss.

III. CONCLUSION

9. In summary, we have decided to amend the amateur service rules to create a small new subband at 222.00-222.15 MHz where repeaters are prohibited and to authorize frequency privileges for Novice Class operators in the entire 1.25 m band. We have further decided not to

adopt the proposal that would have allowed Novice Class operators to be repeater licensees and control operators in the 1.25 m and 23 cm bands.

IV. ORDERING CLAUSES

10. Accordingly, IT IS ORDERED that effective February 1, 1994, Part 97 of the Commission's Rules, 47 C.F.R. Part 97, IS AMENDED as set forth below. Authority for this action is found in Sections 4(i) and 303(c), (f), and (r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(c), (f), and (r).

11. IT IS FURTHER ORDERED that the Motion to Dismiss Late-Filed Comments, filed by Dr. Michael C. Trahos, IS DENIED.

12. IT IS FURTHER ORDERED that this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION


William F. Caton
Acting Secretary

APPENDIX

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Part 97 - Amateur Radio Service

1. The authority citation for Part 97 continues to read as follows:

Authority citation: 48 Stat. 1066, 1082, as amended; 47 U.S.C. §§ 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. §§ 151-155, 301-609, unless otherwise noted.

2. Section 97.201(b) is revised to read as follows:

§ 97.201 Auxiliary station.

(b) An auxiliary station may transmit only on the 1.25 m and shorter wavelength frequency bands, except the 222.00-222.15 MHz, 431-433 MHz, and 435-438 MHz segments.

⁹ Comments of ARRL at 10 and 11, Mark Dill at 2 and 3, William Tynan at 2, and Central States VHF Society at 2.

¹⁰ Reply comments of ARRL at 10 and 11.

¹¹ As of September 28, 1993, there were 100,486 Novice Class licensees.

¹² The late comments to RM-7888 were inserted in the proceeding even before Mr. Piletic asked that they be considered.

His comments are germane to the issue of expansion of Novice Class operator privileges. He, along with other commenters, believes that Novice Class operators do not have the knowledge needed to be repeater licensees and control operators. In this instance, we do not believe that consideration of Mr. Piletic's comments is prejudicial to Dr. Trahos.

3. Paragraph (b) of Section 97.205 is revised to read as follows:

§ 97.205 Repeater station.

(b) A repeater may receive and retransmit only on the 10 m and shorter wavelength frequency bands except the 28.0-29.5 MHz, 50.0-51.0 MHz, 144.0-144.5 MHz, 145.5-146.0 MHz, 222.00-222.15 MHz, 431.0-433.0 MHz, and 435.0-438.0 MHz segments.

4. The entry under VHF in Section 97.301(f) is amended by revising the frequencies authorized for use by Novice Class operators in ITU Region 2 to read as follows:

§ 97.301 Authorized frequency bands.

(f) For a station having a control operator holding a Novice Class operator license:

Wavelength band	ITU Region 1	ITU Region 2	ITU Region 3	Sharing require- ments See § 97.303, Paragraph:
VHF	MHz	MHz	MHz	
1.25 m	---	222-225	---	(a)
